IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 33121 of 2007()

PETITIONER:

TOM JOSE, S/O JOSEPH,
KAPLANGAINKAL, KADAMPUR P.O.,
OTTAPPALAM, PALAKKAD DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, FOREST & WILD LIFE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CHIEF CONSERVATOR OF FORESTS/
CUSTODIAN OF ECOLOGICALLY FRAGILE LAND
VAZHUTHACAUD, THIRUVANANTHAPURAM.

3. THE CUSTODIAN OF VESTED FORESTS,
OLAVAKKOD, PALAKKAD DISTRICT.

4. THE DIVISIONAL FOREST OFFICER,
MANNARKKAD, PALAKKAD DISTRICT.

BY GOVT. PLEADER SRI. I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 33121 OF 2007

Dated this the 12th day of November, 2007

J U D G M E N T

Petitioner submits that an extent of 4.20 Acres of land comprised in Sy. No.2091/02 of Palakkayam Village, Mannarkkad Taluk, Palakkad District, was exempted from the purview of the Vesting and Assignment Act under Ext.P3 order of the Forest Tribunal in O.A. No.65 of 1980. That order was confirmed by this court in M.F.A 11 of 1984.

2. The present grievance of the petitioner is that subsequent to all these, the land has been notified as an ecologically fragile land in terms of the provisions contained in the Kerala Forest (Vesting & Management of Ecologically Fragile Lands) Act 2003. Invoking the power of the 2nd respondent under Section 19 of the said Act and Rule 17 of the rules, petitioner has filed Ext.P9 requesting the 2nd respondent to denotify the land. Petitioner submits that although Ext.P9 has been submitted, there has not been any consideration on the said application. In view of that, the present writ petition has been filed praying for a direction to the 2nd respondent to consider

and pass orders on Ext.P9. In view of pendency of Ext.P9, which is a statutory application made by the petitioner, the 2nd respondent is bound to consider Ext.P9.

Accordingly, I dispose of this writ petition directing the 2nd respondent to consider and pass orders on Ext.P9, as expeditiously as possible, at any rate, within six months from the date of receipt of a copy of this judgment.

ANTONY DOMINIC, JUDGE

vps